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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE LUIS CHICA,

Defendant and Appellant.

G057131

(Super. Ct. No. 17NF2084)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Cheri T. Pham, Judge. Affirmed.

Arthur Martin, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * *

1. Introduction

Jose Luis Chica (Defendant) filed a notice of appeal after pleading guilty to one count of assault with a firearm in violation of Penal Code section 245, subdivision (a)(2).¹ His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), setting forth the facts of the case and requesting that we review the entire record. Pursuant to *Anders v. California* (1967) 386 U.S. 738 (*Anders*), appointed counsel identified an issue to assist us in conducting our independent review. Defendant was granted 30 days to file written arguments in his own behalf. He has not filed a supplemental brief.

We have reviewed counsel's brief and have examined the record in accordance with our obligations under *Wende* and *Anders*. We find no reasonably arguable issues on appeal and therefore affirm. (*Wende, supra*, 25 Cal.3d 436.)

2. Background

Defendant was charged by information with three counts: (1) attempted murder of Aaron C. (count 1; §§ 187, subd. (a), 667); (2) assault with a firearm against Aaron C. (count 2; § 245, subd. (a)(2)); and (3) assault with a firearm against Logan H. (count 3; § 245, subd. (a)(2)). As to count 1, enhancements were alleged for infliction of great bodily injury (§ 12022.7, subd. (a)) and personal discharge of a firearm causing injury (§ 12022.53, subd. (d)). As to counts 2 and 3, enhancements were alleged for infliction of great bodily injury and personal use of firearm (§ 12022.5, subd. (a)). The trial court denied Defendant's motion under section 995 to dismiss count 1.

In order to accommodate a one-strike offer to Defendant, the information was amended by interlineation to add Logan H. as a victim to count 2. Defendant then entered into a plea agreement by which he agreed to plead guilty to count 2 and admit the enhancements alleged as to that count. The prosecution agreed to dismiss counts 1 and 3.

¹ All code references are to the Penal Code.

The agreement included a sentence of 10 years, instead of the total possible penalty of 17 years, with a total of 501 days of custody credit. Defendant initialed the paragraph of the plea form by which he acknowledged he would be given a 10-year sentence.

As the factual basis for the plea, Defendant wrote: “[O]n 8/7/17 I willfully & unlawfully committed an assault with a firearm upon the person of Aaron C., by personally shooting a firearm at him and inflicting great bodily injury upon his person. Further, I also committed an assault with a firearm upon the person of Logan H., by personally using a firearm to strike Logan H. on the hand with the firearm. Aaron C. and Logan H. were not an accomplice during the commission of the above offenses.” The plea agreement included an appeal waiver, which Defendant initialed.

The trial court accepted the plea. The court found “a knowing, intelligent, and voluntary waiver of [Defendant]’s constitutional rights” and a factual basis for the plea. The court sentenced Defendant to a term of 10 years in prison (four years on the substantive offense and six years on the enhancements) with 436 days of actual custody credit and 65 days of conduct credit for a total of 501 days of credit. The court ordered Defendant to pay a mandatory restitution fine of \$300 and an identical parole revocation fine. The court also ordered a \$40 court operations fee and a \$30 criminal conviction assessment fee. The abstract of judgment accurately reflects the sentence imposed.

Defendant filed a hand-written notice of appeal stating: “[A]fter understanding that I am doing more time on enhancements than for the actual charge I am requesting an appeal.”

3. Discussion

We have examined the record in accordance with our obligations under *Wende* and *Anders*, and we find no arguable issues on appeal. Defendant himself has not filed a supplemental brief raising any issues for our review. (*People v. Kelly* (2006) 40 Cal.4th 106, 110, 120, 124.) The issue suggested by counsel has no merit.

4. Disposition

The judgment is affirmed.

FYBEL, ACTING P. J.

WE CONCUR:

IKOLA, J.

GOETHALS, J.